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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

## RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 22nd March, 1984:—

BILL NO. V OF 1984

*A Bill further to amend the University Grants Commission Act, 1956*

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the University Grants Commission (Amendment) Act, 1984. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

3 of 1956.

2. In section 12 of the University Grants Commission Act, 1956 (hereinafter referred to as the principal Act), after clause (*cc*), the following clause shall be inserted, namely:— Amendment of section 12.

"(ccc) **establish, in accordance with the regulations made under this Act, institutions for providing common facilities, services and programmes for a group of universities or for the universities in general and maintain such institutions or provide for their maintenance by allocating and disbursing out of the Fund of the Commission such grants as the Commission may deem necessary;**"

Insertion of new section 12A.

3. In the principal Act, section 12A shall be renumbered as section 12B, and before section 12B as so renumbered, the following section shall be inserted, namely:—

Regulation of fees and prohibition of donations in certain cases.

'12A. (*1*) In this section,—

(*a*) "affiliation", together with its grammatical variations, includes, in relation to a college, recognition of such college by, association of such college with, and admission of such college to the privileges of, a university;

(*b*) "college" means any institution, whether known as such or by any other name which provides for a course of study for obtaining any qualification from a university and which, in accordance with the rules and regulations of such university, is recognised as competent to provide for such course of study and present students undergoing such course of study for the examination for the award of such qualification;

(*c*) "prosecution", in relation to a course of study, includes promotion from one part or stage of the course of study to another part or stage of the course of study;

(*d*) "qualification" means a degree or any other qualification awarded by a university;

(*e*) "regulations" means regulations made under this Act;

(*f*) "specified course of study" means a course of study in respect of which regulations of the nature mentioned in sub-section (*2*) have been made;

(*g*) "student" includes a person seeking admission as a student;

(*h*) "university" means a university or institution referred to in sub-section (*1*) of section 22.

(*2*) Without prejudice to the generality of the provisions of section 12, if, having regard to—

(*a*) the nature of any course of study for obtaining any qualification from any university;

(*b*) the types of activities in which persons obtaining such qualification are likely to be engaged on the basis of such qualification;

(*c*) the minimum standards which a person possessing such qualification should be able to maintain in his work relating to such activities and the consequent need for ensuring, so far as may be, that no candidate secures admission to such course of study by reason of economic power and thereby prevents a more meritorious candidate from securing admission to such course of study; and

(*d*) all other relevant factors,

the Commission is satisfied that it is necessary so to do in the public interest, it may, after consultation with the university or universities concerned, specify by regulations the matters in respect of which fees may be charged, and the scale of fees in accordance with which fees shall be charged in respect of those matters on and from such date as may be specified in the

regulations in this behalf, by any college providing for such course of study from, or in relation to, any student in connection with his admission to, and prosecution of, such course of study:

Provided that different matters and different scales of fees may be so specified in relation to different universities or different classes of colleges or different areas.

(3) Where regulations of the nature referred to in sub-section (2) have been made in relation to any course of study, no college providing for such course of study shall—

(*a*) levy or charge fees in respect of any matter other than a matter specified in such regulations;

(*b*) levy or charge any fees in excess of the scale of fees specified in such regulations, or

(*c*) accept, either directly or indirectly, any payment (otherwise than by way of fees) or any donation or gift (whether in cash or kind),

from, or in relation to, any student in connection with his admission to, and prosecution of, such course of study.

(4) If, after making, in relation to a college providing for a specified course of study, an inquiry in the manner provided by regulations, and after giving such college a reasonable opportunity of being heard, the Commission is satisfied that such college has contravened the provisions of sub-section (3), the Commission may, with the previous approval of the Central Government, pass an order prohibiting such college from presenting any students then undergoing such course of study therein to any university for the award of the qualification concerned.

(5) The Commission shall forward a copy of the order made by it under sub-section (4) to the university concerned, and on and from the date of receipt by the university of a copy of such order, the affiliation of such college to such university shall, in so far as it relates to the course of study specified in such order, stand terminated and on and from the date of termination of such affiliation and for a period of three years thereafter affiliation shall not be granted to such college in relation to such or similar course of study by that or any other university.

(6) On the termination of the affiliation of any college under sub-section (5), the Commission shall take all such steps as it may consider appropriate for safeguarding the interests of the students concerned.

(7) The provisions of this section and the regulations made for the purposes of this section shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.'.

Amendment of section 14.

4. In section 14 of the principal Act, after the words "If any University", the words, brackets, figures and letter "grants affiliation in respect of any course of study to any college referred to in sub-section (5) of section 12A in contravention of the provisions of that sub-section or" shall be inserted.

Amendment of section 25.

**5.** In section 25 of the principal Act, for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) The power to make rules conferred by this section shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the rules or any of them but no regulations", the words "may, by notification in the Official Gazette, the interests of any person to whom such rule may be applicable.".

Amendment of section 26.

**6.** In section 26 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in the opening paragraph, for the words "may make regulations", the words "may, by notification in the Official Gazette, make regulations" shall be substituted;

(*ii*) after clause (*g*), the following clauses shall be inserted, namely:—

"(*h*) regulating the establishment of institutions referred to in clause (*ccc*) of section 12 and other matters relating to such institutions;

(*i*) specifying the matters in respect of which fees may be charged, and scales of fees in accordance with which fees may be charged, by a college under sub-section (*2*) of section 12A;

(*j*) specifying the manner in which an inquiry may be conducted under sub-section (*4*) of section 12A.";

(*b*) in sub-section (*2*), after the word, brackets and letter "clause (*d*)", the words, brackets and letters "or clause (*h*) or clause (*i*) or clause (*j*)" shall be inserted;

(*c*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) The power to make regulations conferred by this section [except clause (*i*) and clause (*j*) of sub-section (*1*)] shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the regulations or any of them but no retrospective effect shall be given to any regulation so as to prejudicially affect the interests of any person to whom such regulation may be applicable.".

Amendment of section 27.

**7.** In section 27 of the principal Act, in sub-section (*1*), for the words "by regulations made", the words "by regulations made, by notification in the Official Gazette", shall be substituted.

Insertion of new section 28.

**8.** After section 27 of the principal Act, the following section shall be inserted, namely:—

Laying of rules and regulations before Parliament.

"28. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session, or the successive sessions aforesaid, both Houses agree in making any modification

in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.".

Validation.

9. No rule made, or purporting to have been made, with retrospective effect, under section 25 of the principal Act before the commencement of this Act shall be deemed to have been invalid or ever to have been invalid merely on the ground that such rule was made with retrospective effect and accordingly every such rule and every action taken or thing done thereunder shall be as valid and effective as if the provisions of section 25 of the principal Act, as amended by this Act, were in force at all material times when such rule was made or action or thing was taken or done.

## STATEMENT OF OBJECTS AND REASONS

The Committees on Subordinate Legislation have in their successive reports strongly recommended that the University Grants Commission Act, 1956 should be amended so as to expressly empower the Central Government to make rules with retrospective effect and also to validate rules already made with such effect; and to provide for publication of regulations in the Official Gazette and for laying the same before Parliament. Accordingly, the Bill seeks to amend the said Act. Opportunity is also being taken to empower the University Grants Commission to make regulations with retrospective effect for certain matters. Necessary safeguards are also proposed to see that no rule or regulation shall be made with retrospective effect so as to prejudicially affect the interests of any person who may be governed by such rule or regulation.

2. For quite some time past, the University Grants Commission has been feeling handicapped in setting up establishments and financing the same to provide common facilities, services, programmes, etc., for a group of universities or for the universities in general. To overcome this handicap, the Bill seeks to confer additional power on the Commission in this behalf.

3. A very serious situation has arisen in recent years because of mushroom growth of private colleges, specially Engineering Colleges, in certain States, which charge huge sums of donations as capitation fees for admission to various courses of study offered by them. To tackle this evil which has grave deleterious consequences the Bill seeks to empower the University Grants Commission to determine the scales of fees charged by colleges and to deny grants to and to de-recognise, the college, which violates this provision, so that it cannot send up any candidates for the examinations. The Bill also provides for inquiry before de-recognition of a college, and also for-taking care of the interests of the students who are already enrolled in the college.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
*The 19th March*, 1984.

SHEILA KAUL.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new clause (ccc) in section 12 of the University Grants Commission Act for empowering the University Grants Commission to establish institutions for providing common facilities, services and programmes for a group of universities or for universities in general in accordance with the regulations made under the Act and maintain such institutions or allocate and disburse out of the Fund of the Commission such grants as the Commission may determine for the maintenance of such institutions. The expenditure involved for this purpose (which will be both of a recurring and non-recurring nature) will be met by the Commission out of the annual plan allocation made by the Central Government to them. As this is only an enabling provision, it is not possible to estimate the actual financial implications involved at this juncture.

The provisions of the Bill do not involve any other expenditure of a recurring or non-recurring nature.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill seeks to amend section 26 of the University Grants Commission Act, 1956 to include therein certain additional matters in respect of which the Commission may make regulations. These matters pertain to the establishment of institutions for providing common facilities, services and programmes for a group of universities or universities in general, the specifying of matters in respect of which fees may be charged and of the scales of fees in accordance with which fees may be charged by any college in relation to any course of study for the purposes of new section 12A relating to regulation of fees and prohibition of donations in certain cases, which is proposed to be inserted by clause 3 of the Bill, and for specifying the manner in which inquiries may be conducted for the purposes of the said new section 12A. Before specifying, for the purposes of the said new section 12A, the matters in respect of which fees may be charged and the scale of fees in accordance with which fees may be charged by any college in relation to any course of study, the Commission has to satisfy itself that it is necessary so to do having regard to the nature of such course of study and the other guidelines specified in sub-section (2) of the said new section 12A and after consulting the university or universities concerned.

2. The matters in respect of which regulations may be made under the aforementioned provisions relate to administrative detail and procedure. Further, as already mentioned, the guidelines which have to be taken into account before specifying, in relation to any course of study, the matters in respect of which fees may be charged have been spelt out. The delegation of legislative power is, therefore, of a normal character.

SUDARSHAN AGARWAL,
*Secretary-General.*

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